

REMARKS/ARGUMENTS

This is a response to the Office Action dated October 12, 2011. Claims 1-5, 9-12, 15-18, 30-31, and 36-42 were pending in the application. In the Office Action, Claims 1-5, 9-12, 15-18, 30-31, 36-42 were rejected. In this Response, a Joint Declaration Of Vinay Mehta and Awdhoot Vasant Kerkar Under 37 C.F.R. 1.131 has been submitted. Claims 1-5, 9, 12, 16-18, 36-42 remain for consideration.

Applicant submits that Claims 1-5, 9, 12, 16-18, 36-42 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

A. Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-5, 9, 12, 16-18 and 36-42 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over WO 9637668 in view of Corzani et al (U.S. Patent App. Pub. No. 2003/0194566).

The Office Action stated that the Declaration submitted on 7/22/11 under 37 CFR 1.131 was insufficient to overcome the Corzani reference because it did not state where the acts relied upon were carried out.

In response, Applicants submit a Joint Declaration under 37 C.F.R. 1.131 by the inventors Vinay Mehta and Awdhoot Vasant Kerkar of the instant application. As evidenced by the Joint Declaration, the acts relied upon to establish the date prior to the reference were carried out in the United States of America. Accordingly, the Joint Declaration is now sufficient to overcome the Corzani reference.

As stated in previous responses, Corzani has an effective filing date of March 28, 2003 (See MPEP §§706.02(F)(1), 715 and 2141.01) and, as shown by the declaration, it is clear that the claimed subject matter of the instant application predates the effective filing date of the Corzani cited reference. Therefore, Corzani is not a prior art reference.

Since Corzani is not a prior art reference and WO 9637668 alone is insufficient to reject the pending claims, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a).

CONCLUSION

In view of the aforementioned remarks, the Applicants believe that each of the pending claims is in condition for allowance. If, upon receipt and review of this Response, the Examiner believes that the present application is not in condition for allowance and that changes can be suggested which would place the claims in allowable form, the Examiner is respectfully requested to contact Applicants' undersigned counsel at the number provided below.

The Director is hereby authorized to charge any fees that may be associated with this filing or credit any overpayment of same, to Deposit Account No. 03-1250, under Reference No. FDN-2815, Customer No. 43,309.

Respectfully submitted,

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